

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

In re:)	
)	
GALARZA, JANET LINA)	
)	
)	
)	
)	Case No. 14-10085-M
Debtor.)	Chapter 13

**OBJECTION TO PROOF OF CLAIM OF MIDLAND MORTGAGE (Claim No. 11) AND
NOTICE OF OPPORTUNITY FOR HEARING**

COMES NOW the Debtor, Janet Lina Galarza, by and through her attorney Victor L. Hunt, and files her objections to the proof of claim filed by **Midland Mortgage, a Division of Midland Bank (“Midland”)** (Claim #11) on **March 24, 2014**, for the reasons set forth as follows.

1. Midland claims to be the creditor and holder of the Note and Mortgage on Debtor’s primary residence and homestead.
2. Midland has filed a proof of claim for an “Amount of Claim as of Date Case Filed:” of \$90,380.32, “Annual Interest Rate” of 4.375% and “Amount of arrearage and other charges as of time case filed ” of \$10,474.92, and an itemized statement on Form B 10 Attachment A is attached to said proof of claim.
3. The Debtor objects to \$90,380.32 as the “Amount of Claim as of Date Case Filed” subject to the receipt of documentation of the how said amount was determined, which has been requested by Debtor’s attorney.

4. The Debtors object to the amount of \$10,474.92 as the “Amount of Arrearage” alleged due in said claim, subject to the receipt of documentation of how said amount was determined, which has been requested by the Debtors’ attorney.

5. The Debtor objects to \$283.91 in Late charges, line 1 of the Attachment ,subject to the receipt of documentation of the how said amount was determined, which has been requested by Debtor’s attorney.

6. The Debtor objects to \$1,025.00 in Attorneys Fees, line 3 of the attachment, subject to the receipt of documentation of the how said amount was determined, which has been requested by Debtor’s attorney.

7. The Debtor objects to \$1,015.15 in Filing fees and court costs, line 4 of the attachment, subject to the receipt of documentation of the how said amount was determined, which has been requested by Debtor’s attorney.

8. The Debtor objects to \$875.00 in Title costs, line 7 of the attachment, subject to the receipt of documentation of the how said amount was determined, which has been requested by Debtor’s attorney.

9. The Debtor objects to \$28.00 in Recording fees, line 8 of the attachment, subject to the receipt of documentation of the how said amount was determined, which has been requested by Debtor’s attorney.

10. The Debtor objects to \$150.00 in Property inspection fees, line 10 of the attachment, subject to the receipt of documentation of the how said amount was determined, which has been requested by Debtor’s attorney.

11. The Debtor objects to the Notice of Mortgage Payment Change, filed April 1, 2014 as a supplement to the Proof of Claim of Midland, Claim No. 11, subject to the receipt of

documentation of the legitimacy of the escrow charges, which has been requested by Debtor's attorney.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma, 224 South Boulder, Tulsa, Oklahoma, 74103, no later than **33** days from the date of filing of this request for relief. You should also mail a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. **The 33 day period includes the 3 days allowed for mailing provided for in Rule 9006(f) Fed. R. Bankr. Proc.**

WHEREFORE Debtors pray that the Court disallow the Amounts of the Proof of Claim #11 of the Midland Mortgage, a Division of MidFirst Bank as disputed herein.

Respectfully submitted,

/s/Victor L. Hunt

Victor L. Hunt, OBA 11656
Legal Aid Services of Oklahoma, Inc.
907 S. Detroit Ave., Suite 725
Tulsa, Ok. 74120
(918) 584-3338
Fax (918) 895-6119
E-mail: victor.hunt@laok.org
Attorney for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on the day this pleading was filed a true and correct copy of the foregoing was mailed in the U.S. Mails by first class mail, proper postage prepaid or electronically transmitted to:

Served via the Court's CM/ECF System:

Office of the Chapter 13 Trustee: Lonnie D. Eck

Office of the United States Trustee

Robert J. Hauge for Midland Mortgage

Served via US Mail, Certified with proper postage:

G. Jeffery Records, President of MidFirst Bank
Midland Mortgage, a Division of MidFirst Bank
50 NW Grand Blvd.
Oklahoma City, OK 73118

Robert Hauge, Authorized agent of Midland Mortgage
Bankruptcy Attorney
Baer, Timberlake, Coulson & Cates, P.C.
6846 S. Canton, Ste. 100
Tulsa, OK 74136

/s/Victor L. Hunt
Victor L. Hunt, OBA 11656
Legal Aid Services of Oklahoma, Inc.
907 S. Detroit Ave., Suite 725
Tulsa, Ok. 74120
(918) 584-3338
Fax (918) 895-6119
E-mail: victor.hunt@laok.org
Attorney for Debtor